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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/003,350
	Filing Date	November 2, 2001
	First Named Inventor	Joern Ostermann et al.
	Art Unit	2655
	Examiner Name	Minerva Rivero
Total Number of Pages in This Submission	Attorney Docket Number	2000-0600B

ENCLOSURES (Check all that apply)		
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**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm or Individual name	Richard C. Irving, Reg. No. 38,499
Signature	<i>Richard C. Irving</i>
Date	December 29, 2004

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Joern Ostermann et al.

Serial No.: 10/003,350

Filed: November 2, 2001

FOR: SYSTEM AND METHOD FOR  
SENDING MULTI-MEDIA MESSAGES  
USING EMOTICONS



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: Confirmation No. 5237  
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: Attorney Ref.: 2000-0600B  
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: Art Unit: 2655  
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: Examiner: Minerva Rivero  
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:

INFORMATION DISCLOSURE STATEMENT

MAIL STOP: Amendment  
The Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. §1.56, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached PTO/SB/08A. Unless otherwise indicated herein, one copy of each reference that is not a US Patent reference is attached. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom. In accordance with 37 C.F.R. §1.97(h), the filing of this Information Disclosure Statement shall not be construed to be an admission that the information cited in the statement is, or is considered to be, material to patentability as defined in §1.56(b).

- ☐ 1. This information disclosure statement is being filed within three months of the filing date of a national application other than a continued prosecution application under §1.53(d); within three months of the date of the entry of the national stage as set forth in §1.491 in an international application; before the mailing of a first Office action on the merits; or before the mailing of a first Office action after the filing of a request for continued examination under §1.114. No certification or fee is required. (37 C.F.R. §1.97(b)). If a first office action was mailed before the filing of this IDS, please debit deposit account 502960 the necessary fees set forth in 37 C.F.R. §1.17(p) to proceed to consider the cited references.
- ☒ 2. This information disclosure statement is being filed more than three months after the filing date of a national application other than a continued prosecution application under §1.53(d); more than three months after the date of the entry of the national stage as set forth in §1.491 in an international application; after the mailing date of a first Office action on the merits, or after the mailing of a first Office action after the filing of a request for continued examination under §1.114, but before the mailing date of any of a Final action under §1.113, a Notice of Allowance under §1.311 or an action that otherwise closes prosecution in the application. (37 C.F.R. §1.97(c)).

☐ a. I hereby certify that each item of information contained in this information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this information disclosure statement. (37 C.F.R. §1.97 (e)(1)).

☒ b. I hereby certify that no item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application and to my knowledge after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in §1.56(c) more than three months prior to the filing of this information disclosure statement. (37 C.F.R. §1.97 (e)(2)).

☐ c. Attached is a credit card payment form and Fee Transmittal for payment of \$180 to cover the fee under 37 C.F.R. §1.17(p) and to ensure consideration of the disclosed information. If necessary, please debit Deposit Account No. 502960 any additional amount in order to ensure consideration of this IDS.

☐ 3. This information disclosure statement is being filed after the mailing date of any of a Final action under §1.113, a Notice of Allowance under §1.311, or an action which otherwise closes prosecution, whichever occurs first, but on or before payment of the Issue Fee. (37 C.F.R. §1.97(d)).

☐ a. I hereby certify that each item of information contained in this information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this information disclosure statement. (37 C.F.R. §1.97(e)(1)).

☐ b. I hereby certify that no item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to my knowledge after making reasonable inquiry, was known to any individual designated in §1.56(c) more than three months prior to the filing of this information disclosure statement. (37 C.F.R. §1.97(e)(2)).

☐ c. Please debit Deposit Account No. \_\_\_\_\_ in the amount of \_\_\_\_\_ to cover the fee under 37 C.F.R. §1.17(p) and ensure consideration of the disclosed information.

Respectfully submitted,

By: Richard C. Irving

Richard C. Irving  
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Substitute for form 1449A/PTO

Complete if Known

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet	1	of	1	Application Number	10/003,350
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Filing Date	November 2, 2001
First Named Inventor	Joern Ostermann
Group Art Unit	2655
Examiner Name	Minerva Rivero
Attorney Docket Number	2000-0600B

## U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code <sup>2</sup> (if known)			
		US 2001/0050681	A1	KEYS et al.	12-2001	
		US 6,542,936		MAYLE et al.	04-2003	
		US 2002/0109680	A1	ORBANES et al.	08-2002	
		US 2001/0050689	A1	PARK	12-2001	
		US 2004/0091154	A1	COTE	05-2004	
		US 6,230,111		MIZOKAWA, TAKASHI	05-2001	
		US 5,420,801		DOCKTER et al.	05-1995	

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup>Unique citation designation number. <sup>2</sup>See attached Kinds of U.S. Patent Documents <sup>3</sup>Enter Office that issued the document, by the two letter code (WIPO Standard ST.3). <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup>Applicant is to place a check mark here if English language Translation is attached.

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## OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
	1	EDWARDS, KEITH W. "The Design and Implementation of the MONTAGE Multimedia Mail System". April 1991, IEEE Conference Proceedings of TRICOMM '91, Pages 47-57	<input type="checkbox"/>
	2	MING OUHYOUNG, I-CHEN LIN, DAVID S.D. LEE. "Web-Enabled Speech Driven Facial Animation". Proc. of ICAT'99 (International Conference on Artificial Reality and Tele-existence), pp. 23-28, Conference held on Dec. 16-18 1999, Tokyo, Japan.	<input type="checkbox"/>

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<sup>1</sup> Unique citation designation number <sup>2</sup> Applicant is to place a check mark here if English language translation is attached.

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